



WEB COPY



W.P.(MD)No.16534 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.16534 of 2022

and W.M.P.(MD) Nos.11950 and 11952 of 2022

A.Kumaresan Seenivasan

... Petitioner

Vs.

1.The Bar Council of India,
Represented by its Secretary,
21, Rouse Ave Institutional Area Road,
Near Bal Bhavan,
Rouse Avenue, Matha Sundari Railway Colony,
Mandi House, New Delhi.

2.The Bar Council of Tamil Nadu and Puducherry,
(Enrolment Committee),
Represented by its Secretary,
High Court Campus,
Chennai – 600 104.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order made by the 2nd respondent in TNECR No.21 of 2017 dated 08.12.2017 and the consequential impugned proceedings of the 2nd respondent in ROC No. 5766/2021



W.P.(MD)No.16534 of 2022

dated 11.08.2021 and quash the same as illegal.

WEB COPY

For Petitioner : Mr.M.Mahaboom Athiff

For Respondents : Mr.R.M.Maheshkumar,
Standing Counsel for R1

Mr.K.R.Laxman
Standing Counsel for R2

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

This Writ Petition challenges the order dated 08.08.2017, passed by the Special Enrolment Committee formed by the Bar Council of Tamil Nadu and Puducherry and the consequential proceedings dated 11.08.2021.

2. The necessary facts for the disposal of the case are one B.Vinoth, who is a relative of the writ petitioner had lodged a complaint with the Bar Council of Tamil Nadu and Puducherry stating that the writ petitioner has suppressed the fact that a criminal case was pending against him in C.C.No.118 of 2009 on the file of the learned Judicial Magistrate, Sankarankovil, when he applied for enrolment. The application was made on 15.07.2011 and by that time the C.C. was taken on



W.P.(MD)No.16534 of 2022

by the learned Judicial Magistrate of Sankarankovil. Failure to mention the pendency of a criminal case, especially, when it is a requisite detail to be furnished to the Bar Council of Tamil Nadu and Puducherry for the purpose of enrolment, does amount to suppression of material facts.

3. However, the Enrolment Committee by itself, cannot remove a person from the rolls. This is in terms of Section 26(1) proviso of the Advocates Act of 1961. Therefore, we have to agree with Mr.Mahaboob Athiff, learned counsel for the petitioner, that the Enrolment Committee could not have recalled the enrolment that had already taken place in 2011. However, we would treat the order dated 08.12.2017 as a reference by the Enrolment Committee to the Bar Council of India in terms of Section 26(1) proviso of the Advocates Act, 1961.

4. The first respondent shall issue notice to the parties concerned and if necessary call for the original record of enrolment that is available with the second respondent and thereafter take a call on this issue as to whether there has been any misrepresentation or fraud or undue influence, practiced by the Writ petitioner on the Enrolment Committee at the time of getting himself enrolled as an advocate.



W.P.(MD)No.16534 of 2022

5. Hence, directing to treat the impugned order as a report by the Enrolment Committee to the Bar Council of India in terms of Section 26(1) proviso of the Advocates Act, 1961, this Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

(S.M.S., J.) & (V.L.N., J.)
06.12.2023

NCC : Yes / No
Index : Yes / No
SJ



WEB COPY



W.P.(MD)No.16534 of 2022

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

W.P.(MD)No.16534 of 2022

06.12.2023